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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 August 1999, at 10 a.m.

Chairman: Mr. HATANO

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The meeting was called to order at 10.15 a.m.

CONTEMPORARY FORMS OF SLAVERY (agenda item 6) (continued)
(E/CN.4/Sub.2/1999/L.28, L.29 and L.38)

Draft resolution on systematic rape, sexual slavery and slavery-like practices (E/CN.4/Sub.2/1999/L.28) (continued)

1. Mr. GUISSÉ said that the reference to the conclusion of the International Military Tribunal at Nuremberg in paragraph 4 was unacceptable as the principles stated in the conclusion referred to justice imposed by the victors on the vanquished in the situation following the end of the Second World War. They could thus not be regarded as universal principles and applicable to the world as currently constituted.

2. Ms. McDOUGALL said that, in the light of the discussions on the draft resolution, the sponsors had decided to make a number of revisions to the text, which would, they hoped, make it generally acceptable. Paragraph 4 would thus read: "Aware that the provision of Hague Convention IV of 1907 Respecting the Laws and Customs of War on Land, which states that States 'shall be responsible for all acts committed by persons forming part of their armed forces' and 'shall, if the case demands, be liable to pay compensation' for violations of the rules, is part of customary international law;".

3. In paragraph 6, the word "all" in the third line should be deleted.

4. Paragraph 13 should read: "Notes that the rights and obligations of States and individuals, with respect to the violations referred to in the present resolution, cannot, as a matter of international law, be extinguished by peace treaty or amnesty;".

5. Paragraph 16 should read: "Requests the Special Rapporteur to submit to the Sub-Commission at its fifty-second session a report containing the updated information presented at its current session, with a view to wide distribution of the entire study in all the official languages, including to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals, and to the Assembly of States Parties of the International Criminal Court;".

6. Mr. GUISSÉ proposed that, before the words "international law" in the revised draft of paragraph 13, the word "positive" should be added. Since the Nuremberg Principles had been set aside, that addition was necessary to give effect to the applicable law.

7. Mr. EIDE said that he hoped that the revisions to the draft resolution would meet the objections made at the previous meeting. The new draft of paragraph 13 made it clear that, in conformity with international law, there could be no question of rights and obligations being extinguished by peace treaties or amnesties.

8. Mr. ALFONSO MARTÍNEZ said he welcomed the various improvements in the revised draft resolution. With regard to the reference to customary international law in paragraph 4, it was his recollection that the relevant

provisions of the 1907 Hague Convention had been modified by the 1949 Geneva Conventions, and that reference was no longer made to "customary" but to "qualified" international law. He would welcome some clarification on that point. He also sought clarification as to the intended field of application of paragraph 6: whether the prosecution in national courts referred to was meant to cover crimes committed outside as well as inside the national territory; if the former was meant, that would be tantamount to postulating a new international category of crimes.

9. Mr. PARK Sang-yong said he hoped that the new draft would meet all objections.

10. Mrs. WARZAZI said that she continued to have objections to paragraph 4, which, she thought, reflected certain unstated motivations. If the paragraph was retained, she would have to request a separate vote on it. The revised paragraph 13 might be acceptable if the words "peace treaty" were replaced by "peace agreement". She did not agree with all the Special Rapporteur's recommendations referred to in paragraph 14 and thought that the choice of recommendations should be left to the Commission on Human Rights, the reference to the Special Rapporteur's recommendations being dropped from the paragraph. Since she did not subscribe to all the principles stated in the draft resolution, she was unable to accept paragraph 15 and thus proposed that it should be deleted.

11. Ms. HAMPSON, replying to points made by Mr. Alfonso Martínez, said that the reference to customary international law had been retained in the new text of paragraph 4 because, while most States were bound by the Geneva Conventions, there were a few that were not, whereas all States were bound by customary international law, as had been ruled to be the case by the General Assembly and the International Court of Justice, and as was reflected in the Statute of the International Criminal Court.

12. As to the point regarding paragraph 6, all States parties to the Geneva Conventions were under a legal obligation to ensure that, in the case of grave breaches of the Conventions, their national laws permitted the trial of suspected perpetrators, irrespective of the nationality of the suspects, the place where the act was committed, and the nationality of the victim. In other words, the Geneva Conventions contained not only universal but mandatory jurisdictional provisions and, from time immemorial, there had been provisions for certain offences to be regarded as "international crimes", that is to say crimes of universal jurisdiction, which made it possible for States to bring prosecutions against the perpetrators. The International Criminal Court was based on the assumption that the crimes listed in its Statute would be crimes of universal jurisdiction so that, if suspects were not to be tried by the International Criminal Court, domestic courts would be able to try them instead. States were, therefore, under an obligation to try those responsible for crimes committed outside their territory. The concept of an "international crime" was far from being a new one.

13. Mr. OLOKA-ONYANGO, speaking on behalf of the sponsors, said that, to meet Mrs. Warzazi's point, they had agreed to revise the wording of paragraph 13 by inserting a comma after the words "peace treaty" and adding the words "peace agreement, amnesty, or by any other means".

14. Mrs. WARZAZI said she still proposed that the words "peace treaty" be deleted.

15. Mr. SIK YUEN said that, in view of the recommendation and request in paragraphs 15 and 16, a vote would have to be taken on the draft resolution at the current session.

16. Mr. BOSSUYT said that the omission of the reference to the International Military Tribunal in paragraph 4 should not be taken to mean that the Nuremberg Principles had been set aside. They had, in fact, been adopted by the General Assembly. He could not attach any concrete meaning to the word "positive" which Mr. Guissé wished to add to paragraph 13.

17. Mr. ALFONSO MARTÍNEZ commenting on Ms. Hampson's statement, said that he did not think there was any existing obligation for a State to prosecute crimes of the kind referred to in the draft resolution committed outside its territory. The Rome Statute was not yet in force. As for the reference to customary international law, it might be sufficient to make a reference to the 1907 Hague Convention, "as qualified by the Geneva Conventions".

18. Mr. YIMER, referring to Mr. Guissé's proposal to add the word "positive" to paragraph 13, said that that term had indeed been in use in earlier discussions of international law, particularly in the nineteenth century, but that it was no longer in general use. He himself would fail to understand what was intended if it were included in paragraph 13.

19. Mr. GUISSÉ said that, while it might be the case that the term was no longer in use in certain legal systems, it was still current in the system with which he was familiar.

20. Mr. ALFONSO MARTÍNEZ requested a separate vote on paragraph 6.

21. Mr. FAN Guoxiang said that, in the light of the heated debate about the wording of certain parts of the draft resolution, he had decided to withdraw his sponsorship and to refrain from participating in the voting.

22. At the request of Mrs. Warzazi, a separate vote was taken on paragraph 4.

23. Paragraph 4 was adopted by 14 votes to 5, with 3 abstentions.

24. Mr. ALFONSO MARTÍNEZ, speaking in explanation of vote, said that the use of the term customary international law in place of treaty-based international law weakened the impact of the paragraph in terms of establishing responsibility for acts committed by persons forming part of a country's armed forces.

25. Ms. McDOUGALL, replying to a question from Mrs. WARZAZI, said that paragraph 6 referred to crimes in respect of which universal jurisdiction existed under international law. In such cases, States that had enacted the appropriate legislation could prosecute persons accused of crimes that had been committed beyond their frontiers.

26. At the request of Mrs. Warzazi and Mr. Alfonso Martínez, a separate vote was taken on paragraph 6.

27. Paragraph 6 was adopted by 18 votes to 2, with 3 abstentions.

28. The CHAIRMAN invited the Sub-Commission to vote on the amendment to paragraph 13 proposed by Mrs. Warzazi.

29. The proposed amendment was rejected by 4 votes to 13, with 5 abstentions.

30. Mr. JOINET, speaking in explanation of vote, said he had abstained because he did not fully understood the meaning of the phrase "the rights and obligations of States and individuals". In the case of States, he assumed that the rights and obligations in question were those contained in treaties; in the case of individuals, however, it was unclear whether the subjects of the rights and obligations were the perpetrators of crimes or their victims.

31. The CHAIRMAN invited the Sub-Commission to vote on the amendment to paragraph 14 proposed by Mrs. Warzazi.

32. The proposed amendment was rejected by 3 votes to 14, with 3 abstentions.

33. Mr. ALFONSO MARTÍNEZ, speaking in explanation of vote, said he had voted in favour of the proposed amendment because he was against the creation of a new monitoring procedure.

34. The CHAIRMAN invited the Sub-Commission to vote on Mrs. Warzazi's proposal to delete paragraph 15.

35. The proposal was rejected by 6 votes to 14, with 4 abstentions.

36. The draft resolution as a whole, as orally revised, was adopted by 15 votes to 2, with 5 abstentions.

37. Mr. GUISSÉ said he had voted against the draft resolution because of his firm conviction that it was a retrograde step in terms of the protection of victims of armed conflicts. The provisions of many paragraphs were imprecise, as evidenced by the number of separate ballots that had been requested.

38. Mr. KHALIL said he had abstained because, although he agreed with some of the ideas contained in the resolution, he thought that Mr. Alfonso Martínez' suggestions should have been taken into account.

39. Mr. JOINET suggested that Ms. McDougall should look into the issues raised during the discussion and report thereon to the members of the Sub-Commission at its next session.

Draft resolution on the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1999/L.29)

40. The draft resolution was adopted.

Draft resolution on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (E/CN.4/Sub.2/1999/L.38)

41. The draft resolution was adopted.

HUMAN RIGHTS OF INDIGENOUS PEOPLES

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND

(agenda item 7) (continued) (E/CN.4/Sub.2/1999/L.30-33)

42. The CHAIRMAN said that, contrary to the general practice of presiding officers, he had sponsored three draft resolutions under agenda item 7. He had done so in his capacity as a member of the Working Group on Indigenous Populations.

43. Mrs. DAES, speaking as Chairperson-Rapporteur of the Working Group, thanked the Chairman for his sponsorship.

44. Mr. ALFONSO MARTÍNEZ, Mr. GUISSÉ and Ms. MOTOC said that they wished to become sponsors of all four draft resolutions on agenda item 7.

Draft resolution on the International Decade of the World's Indigenous People (E/CN.4/Sub.2/1999/L.30)

45. Mr. RAMISHVILI said he wished to become a sponsor of the draft resolution.

46. Mrs. DAES drew the Sub-Commission's attention to an error in paragraph 11. The phrase "until the permanent forum is established" at the end of the paragraph should be deleted.

47. Mr. BENGOA, referring to paragraph 7, said that he was somewhat concerned about the lack of progress to date in the inter-sessional working group of the Commission on Human Rights on the draft United Nations declaration on the rights of indigenous peoples. He thought it would be a serious error to set up the permanent forum for indigenous people before the declaration had been adopted by the General Assembly. Otherwise the forum would have no legal framework within which to operate and its status would be much the same as that of the Working Group on Indigenous Populations. The forum and declaration were closely interrelated, and the whole issue should be discussed in greater depth at the Sub-Commission's next session.

48. Mrs. DAES and Mr. ALFONSO MARTÍNEZ said that they fully agreed that the issue should be discussed in depth at the next session.

49. The draft resolution, as orally corrected, was adopted.

Draft resolution on the Working Group on Indigenous Populations (E/CN.4/Sub.2/1999/L.31)

50. Mr. RAMISHVILI said he wished to become a sponsor of the draft resolution.

51. Mrs. DAES drew the Sub-Commission's attention to an error in paragraph 11. The phrase "or any other member of the Working Group" had been inadvertently omitted and should be inserted after the words "Chairperson-Rapporteur". The proposed draft decision in paragraph 17 also contained two errors: "five working days" should read "eight working days" and "fifty-first" should read "fifty-second".

52. The draft resolution, as orally corrected, was adopted.

Draft resolution on the working paper on indigenous peoples and their relationship to land (E/CN.4/Sub.2/1999/L.32)

53. The draft resolution was adopted.

Draft resolution on the final report of the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/L.33)

54. The draft resolution was adopted.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/1999/L.34 and 36)

Draft resolution on the human rights problems and protection of the Roma (E/CN.4/Sub.2/1999/L.34)

55. The draft resolution was adopted.

Draft resolution on the prevention of discrimination against and the protection of minorities (E/CN.4/Sub.2/1999/L.36)

56. The draft resolution was adopted.

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS:

(a) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

(b) APPLICATION OF INTERNATIONAL STANDARDS CONCERNING THE HUMAN RIGHTS OF DETAINED JUVENILES

(c) GROSS AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AS AN INTERNATIONAL CRIME

(d) JUVENILE JUSTICE

(e) PRIVATIZATION OF PRISONS

(f) INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES

(agenda item 9) (continued) (E/CN.4/Sub.2/1999/L.41)

Draft resolution on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1999/L.41)

57. The draft resolution was adopted.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

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(i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS

(ii) ARBITRARY DEPRIVATION OF NATIONALITY

(agenda item 12) (continued) (E/CN.4/Sub.2/1999/L.35, 37, 39, 40 and 42-46)

Draft resolution on promotion of dialogue on human rights issues (E/CN.4/Sub.2/1999/L.35)

58. Mr. LEBAKINE (Secretary of the Sub-Commission) said that Mr. Alfonso Martínez, Mr. Bossuyt, Mrs. Daes, Mr. Fix Zamudio, Mr. Diaz Uribe, Mr. Goonesekere, Mr. Guissé, Mr. Khalil, Ms. Motoc, Mr. Mehedi, Mr. Park Sang-yong, Mr. Pinheiro, Mr. Ramishvili, Mr. Sorabjee, Mrs. Warzazi

and Mr. Weissbrodt were original sponsors of the draft resolution but had been inadvertently omitted from the heading in document E/CN.4/Sub.2/1999/L.35.

59. Mr. JOINET, Mr. OLOKA-ONYANGO, Mr. SHAMSHUR, and Mr. SIK YUEN said they wished to become sponsors of the draft resolution.

60. The draft resolution was adopted.

Draft resolution on the humanitarian situation in Iraq (E/CN.4/Sub.2/1999/L.37)

61. The draft resolution was adopted.

62. Mrs. WARZAZI thanked all those who had joined her in sponsoring the draft resolution, and expressed the hope that any future draft resolutions on the topic would be sponsored by all the members of the Sub-Commisison.

63. Mr. AL-DOURI (Observer for Iraq) expressed his Government's profound gratitude to the Sub-Commission, and especially to those members who once again had taken the initiative of assisting the Iraqi people in overcoming the consequences of its ordeal. The resolution was a continuation of an ongoing effort to tackle violations of the Iraqi people's human rights, which increased every day. It was to be hoped that the Commission on Human Rights, too, would devote more attention to that humanitarian issue, and that the crime of genocide perpetrated against the Iraqi people would be halted before the end of the century.

64. The bold positions adopted by the Sub-Commission on the question, devoid of political motives, would never be forgotten by the Iraqi people; and would make it possible to promote human rights in Iraq, rights which had been seriously affected by the embargo which had already lasted for 10 years. The Sub-Commission had objectively pursued the right path, eschewing hegemony and the influence of super-Powers.

65. Mr. ALFONSO MARTÍNEZ said that the absence of his name from the list of sponsors of the draft resolution did not imply any lack of sensitivity on his part to the situation in Iraq. His problem was with the opening section of the text, which suggested that measures such as those taken against Iraq might have legitimate objectives. That was a position with which he could not agree. But for the presence of those words, he would certainly have become a sponsor.

Draft decision on the adverse consequences of economic sanctions on the enjoyment of human rights (E/CN.4/Sub.2/1999/L.39)

66. The draft decision was adopted.

Draft resolution on terrorism and human rights (E/CN.4/Sub.2/1999/L.40)

67. Mr. ALFONSO MARTÍNEZ, Mr. KHALIL, Mr. PARK Sang-yong and Mr. SIK YUEN said they wished to become sponsors of the draft resolution.

68. The draft resolution was adopted.

Draft resolution on reservations to human rights treaties (E/CN.4/Sub.2/1999/L.42)

69. Mr. GUISSÉ and Mr. OLOKA-ONYANGO said they wished to become sponsors of the draft resolution.

70. The draft resolution was adopted.

Draft decision on human rights in the context of HIV/AIDS (E/CN.4/Sub.2/1999/L.43)

71. Mr. GUISSÉ, Mr. MEHEDI and Mr. OLOKA-ONYANGO said they wished to become sponsors of the draft decision.

72. The draft decision was adopted.

Draft decision on the fiftieth anniversary of the Geneva Conventions of 12 August 1949 on the protection of victims of war (E/CN.4/Sub.2/1999/L.44)

73. Mrs. DAES said that she had felt duty-bound to submit the draft decision for consideration, in view of the undoubted importance of the Geneva Conventions and the protocols thereto, observance of which constituted the best service that could be paid to the international community, especially in time of war. She hoped that the draft decision could be adopted without a vote.

74. Mr. ALFONSO MARTÍNEZ, supported by Mrs. WARZAZI, said that Mrs. Daes' words reflected the feelings of all those present. The Sub-Commission should adopt the draft decision by acclamation.

75. The draft decision was adopted by acclamation.

Draft resolution on observance of human rights by States which are not parties to United Nations human rights conventions (E/CN.4/Sub.2/1999/L.45)

76. Mr. ALFONSO MARTÍNEZ and Mr. GUISSÉ said that they wished to become sponsors of the draft resolution.

77. The draft resolution was adopted.

Draft resolution on globalization and its impact on the full enjoyment of all human rights (E/CN.4/Sub.2/1999/L.46)

78. Mr. ALFONSO MARTÍNEZ, Mr. JOINET, Ms. MOTOC, Mr. OLOKA-ONYANGO, Mr. PARK Sang-yong and Mr. RAMISHVILI said that they wished to become sponsors of the draft resolution.

79. The draft resolution was adopted.

ORGANIZATION OF WORK

(c) METHODS OF WORK OF THE SUB-COMMISSION

(agenda item 1) (continued) (E/CN.4/Sub.2/1999/L.26 and L.47)

Draft decision on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/L.26)

80. The CHAIRMAN said that he had become a sponsor of the draft decision in his capacities as a member of the sessional working group and as the author of the final working paper on the question (E/CN.4/Sub.2/1999/2).

81. Mr. BOSSUYT, introducing the draft decision on behalf of its sponsors, said that the object of the exercise was to ensure that the Guidelines were annexed to the decision so that they might be included in full in the Sub-Commission's report on its fifty-first session. In the third line of the text, the word "annexed" should thus be inserted before the word "Guidelines".

82. The draft decision, as orally revised, was adopted.

Draft decision on rationalization of the work of the Commission on Human Rights (E/CN.4/Sub.2/1999/L.47)

83. Mr. BOSSUYT, Mr. GUISSÉ, Mr. JOINET, Mr. MEHEDI, Ms. MOTOC, Mr. OLOKA-ONYANGO, Mr. PINHEIRO, Mr. RAMISHVILI, Mr. SORABJEE and Mrs. WARZAZI said that they wished to become sponsors of the draft decision.

84. Mr. LEBAKINE (Secretary of the Sub-Commission) said that the correct title of the inter-sessional working group of the Commission referred to in the draft decision was "inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights". The sponsors might wish to amend the title of the draft decision accordingly.

85. Mr. ALFONSO MARTÍNEZ said that the text of the draft decision would be amended accordingly. However, its title referred to the relevant agenda item of the Commission on Human Rights, and would remain unchanged.

86. The draft decision, as orally corrected, was adopted.

Composition of the inter-sessional and pre-sessional working groups of the Sub-Commission (document without a symbol)

87. The CHAIRMAN drew attention to the document detailing the composition of the inter-sessional and pre-sessional working groups of the Sub-Commission for the year 2000. Ms. Motoc should appear as the alternate member of the Eastern Europe regional group on the question of minorities, not on the question of contemporary forms of slavery. He proposed that the document, thus corrected, should be approved without a vote.

88. The draft decision on the composition of the inter-sessional and pre-sessional working groups of the Sub-Commission, as orally corrected, was approved.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(agenda item 4) (continued) (E/CN.4/Sub.2/1999/L.22)

Draft resolution on trade liberalization (E/CN.4/Sub.2/1999/L.22)

89. Mr. OLOKA-ONYANGO said that, following discussions between the sponsors and various members who had raised objections to the draft resolution, notably Mrs. Warzazi and Mr. Bossuyt, it had been decided to retain the seventh, eighth and ninth preambular paragraphs and to delete the tenth preambular paragraph. The words "to refrain from perpetuating the current dissociation between international economic policy formulation and international human rights law and policy, and" were to be deleted from paragraph 1. Paragraph 2 would read: "Declares that sanctions and negative conditionalities with regard to trade are not appropriate ways of promoting the integration of human rights in international economic policy and practice;". Paragraph 4 would be deleted, and paragraphs 5, 6 and 7 consequentially renumbered 4, 5 and 6. New paragraph 6 would be revised to read "Encourages the concerned civil society organizations ...". He hoped that the draft resolution, as revised, would be acceptable to the Sub-Commission.

90. Mr. ALFONSO MARTÍNEZ said that he appreciated the efforts that had been made to achieve consensus, but that the changes just read out did not fully satisfy him. In its new wording, paragraph 2 would apply only to trade. However, trade was not the only, or indeed the most important, form of international economic relations. The original wording of paragraph 2 was thus preferable.

91. Mr. BOSSUYT said that, while he would not oppose the adoption of the draft resolution in its revised form, he believed that the issues addressed therein had not been fully discussed in the Sub-Commission. Furthermore, he would have preferred to see paragraph 1 adopted without any revision.

92. Mr. GUISSÉ said that, in view of the fact that the revised version of the draft resolution had not been circulated in good time, the best course would be to defer its consideration until the next session, at which juncture the Sub-Commission would be in a better position to assess the issues involved.

93. Mrs. DAES said that the draft resolution contained some elements that did not fall within the Sub-Commission's competence and that some of its paragraphs remained unclear to her. Despite those reservations, however, she would vote in favour of the draft resolution if it were put to a vote.

94. Mr. OLOKA-ONYANGO said he agreed with Mr. Alfonso Martínez that conditionality was not necessarily limited to trade. However, the draft resolution before the Sub-Commission was concerned precisely with trade. With regard to the question of competence, the Sub-Commission had already tackled the topic in its resolution 1998/12 and in the working paper he himself and a colleague had submitted (E/CN.4/Sub.2/1999/11). The processes of trade liberalization undoubtedly had some very serious implications for human

rights. Lastly, he did not think it advisable to defer consideration of the draft resolution, as the issues addressed therein were becoming more and more pertinent everyday. It should be put to a vote

95. Mrs. WARZAZI said that she was able to accept the draft resolution as revised.

96. Mr. ALFONSO MARTÍNEZ said that, if sanctions imposed limitations on financing, then trade was affected. He thus proposed amending the text of paragraph 2 to read: "... negative conditionalities which directly or indirectly affect trade ...".

97. Mr. SORABJEE said that the result of trade liberalization was that the rich grew richer and the poor grew poorer. It undoubtedly had an adverse impact on human rights, and thus fell fully within the competence of the Sub-Commission. He was inclined to support the amendment proposed by Mr. Alfonso Martínez, but the substance of the matter was also covered by the revised text.

98. Mr. JOINET proposed that the title of the draft resolution be amended to read "Trade liberalization and human rights".

99. Mr. OLOKA-ONYANGO said that he would be prepared to change the title to "Trade liberalization and its impact on human rights". The amendment proposed by Mr. Alfonso Martínez was also acceptable to him. He hoped that the other sponsors would find those changes acceptable, and that the draft resolution, thus revised, could be adopted by consensus.

100. Mr. JOINET said that the change proposed by Mr. Oloka-Onyango was acceptable to him.

101. Mr. WEISSBRODT said he shared the concern expressed by Mr. Bossuyt, Mr. Guissé and Mrs. Daes. The Sub-Commission's expertise in the area was insufficiently developed and, without wishing to break the consensus, he would prefer that further consideration of the draft resolution be deferred until the Sub-Commission's next session. The concern expressed by Mr. Alfonso Martínez regarding paragraph 2 might be met by turning it round so that it would read: "Declares that negative conditionality with regard to trade and sanctions ...".

102. Mr. GUISSÉ requested a vote on his proposal that further consideration of the draft resolution be deferred until the next session.

103. The proposal that consideration of the draft resolution (E/CN.4/Sub.2/1999/L.22) be deferred until the next session of the Sub-Commission was rejected by 10 votes to 3, with 7 abstentions.

104. Mr. ALFONSO MARTÍNEZ said he preferred his own amendment to paragraph 2, which had been accepted by Mr. Oloka-Onyango on behalf of the sponsors, to that proposed by Mr. Weissbrodt.

105. Mr. GUISSÉ requested a vote on the draft resolution as orally revised.

106. The draft resolution, as orally revised, was adopted by 18 votes to none, with 4 abstentions.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/1999/L.18)

Draft resolution on the situation of long-term refugees and internally displaced persons (E/CN.4/Sub.2/1999/L.18) (continued)

107. Mr. JOINET said that more time was needed for consultations with the parties concerned and he proposed that further consideration of the draft resolution should be deferred to another, so far unscheduled, meeting in the afternoon.

108. Mr. ALFONSO MARTÍNEZ, speaking on a point of order, asked what was the status of the paper just distributed by one of the sponsors of the draft resolution.

109. Ms. HAMPSON said that the paper she had distributed and which bore the title "draft decision" had no status other than indicating a possible proposal and asking for members' comments. It was a way of consulting her colleagues.

110. Mrs. WARZAZI said there should be a vote as to whether the separation of the two draft resolutions was acceptable. The deadline for the submission of a draft decision was well past, and the paper just distributed, referring as it did to the situation of internally displaced people in Turkey, caused her some discomfort. The Government of Turkey was currently coping with the aftermath of an earthquake, and should be addressed by the Sub-Commission with more sensitivity, tact and common sense than was displayed in the paper.

111. Mr. PINHEIRO, speaking also on behalf of three other sponsors of the draft resolution, Mr. Bengoa, Mr. Diaz Uribe and Mr. Fix Zamudio, said that, for purely humanitarian reasons and as a demonstration of their solidarity with the various sections of Turkish society, they had decided to withdraw their sponsorship from section B of the draft resolution. The Turkish people had been seriously affected by one of the worst natural disasters in living memory. He and his three colleagues expressed their sincere hope that the process of peace and national reconciliation would soon resume, and proposed that the Sub-Commission should examine the situation of long term refugees and internally displaced persons in Turkey at its next session. Meanwhile, they would be open to any proposals the other sponsors might wish to make.

112. Mr. EIDE, referring to section A of the draft resolution, said that there were good prospects of securing a consensus with the Governments concerned and, given that likelihood and his understanding that it would not be possible to convene an unscheduled meeting that afternoon, he wondered

whether, if a consensus were to be obtained as a result of the consultations still under way, the draft resolution could be considered further during the last meeting of the session.

113. Mr. ALFONSO MARTÍNEZ said he thought that his colleagues should show some respect for the Sub-Commission's agenda and working methods.

114. Mr. SORABJEE said that the device of a Chairman's statement had proved effective in other cases and if, as Mr. Eide had said, there was a good prospect of agreement being reached with the Governments concerned regarding the situation of persons claiming to be refugees from Bhutan in Nepal, it might prove useful in the current case also. Further discussion of the draft resolution should be deferred until the last day of the session.

115. Mr. GUISSÉ said he fully agreed. Further discussion should be deferred pending the outcome of consultations already under way with the parties concerned

116. Mr. BOSSUYT said that, because of its timetable, the Sub-Commission should seek to avoid holding a further, unscheduled, meeting and he was thus prepared formally to support the proposal already made by Mrs. Warzazi that the draft resolution be amended by deleting sections A and B and the first paragraph of section C. The amended draft resolution would then consist of all the preambular paragraphs and the final operative paragraph.

117. Mr. WEISSBRODT disagreed, saying that intensive discussions were under way with the Governments concerned and it would be unfair to all parties if the discussion were cut short as proposed. The position regarding the draft resolution was extremely confusing, and members were not ready to make a decision. He agreed with Mr. Joinet that the Sub-Commission should defer its consideration, and should convene an unscheduled, closed, meeting that afternoon.

118. The CHAIRMAN said it would not be possible to convene a meeting that afternoon. He suggested, therefore, that the Sub-Commission should begin its last meeting on the last afternoon with a closed part in which it would discuss further the draft resolution contained in document E/CN.4/Sub.2/1999/L.18.

119. It was so decided.

The meeting rose at 1 p.m.